
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

Executive Order 67 (2008)

DECLARATION OF A STATE OF EMERGENCY WITHIN THE COMMONWEALTH OF VIRGINIA AS A MEASURE FOR UNINTERRUPTED PETROLEUM DISTRIBUTION

On May 30, 2008, I verbally declared a state of emergency to exist for the Commonwealth of Virginia in order to ensure the uninterrupted availability of gasoline for consumers in all parts of the Commonwealth and in accordance with my authority contained in § 44-146.17 of the *Emergency Services and Disaster Laws*.

With the rising price of fuel exceeding in many instances four dollars a gallon and the fact that many retailers of petroleum products with pumps that are mechanically unable to display accurately the current price of their petroleum product and have placed orders for upgrades to their pumps, I have taken this action in order to allow retailers the ability to display the half gallon price at the pump and make adjustment to the full price at the register.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby order the temporary waiver by the Department of Agriculture and Consumer Services of enforcement of the provisions of §3.1-949 of the Code of Virginia for retailers of petroleum products whose pumps are mechanically unable to display accurately the current price of petroleum products. This limited waiver shall be effective for a period of 120 days from the effective date of this executive order and shall apply only to retailers whose pumps are mechanically unable to display accurately the current price of petroleum products due to the age and design of the pump. The Commissioner of Agriculture and Consumer Affairs, in consultation with the Secretary of Agriculture and Forestry, shall forthwith develop and issue

guidelines allowing such retailers to use a “half pricing” technique for the sale of petroleum products. Any such retailer shall be required to display the actual price of the petroleum product on any applicable signage or advertisements in accordance with these guidelines. The Commissioner and Secretary shall consult with affected stakeholders in the development of such guidelines and shall make available appropriate technical assistance to affected retailers as well as appropriate consumer education.

This Executive Order shall be effective May 30, 2008 and shall remain in full force and effect until September 30, 2008 unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th Day of May, 2008.

Timothy M. Kaine, Governor

Attest:

Secretary of the Commonwealth